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OFFICE OF PETITIONS

In re Application of
Kulig et al.
Application No. 10/037,593
Filed: 19 October, 2001
Atty's Docket No. M-11742 US

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: DECISION GRANTING PETITION
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This is a decision on the petition filed on 29 March, 2002, requesting that the above-identified application, including one (1) sheet of drawings containing Figure 4d, be accorded a filing date of 19 October, 2001.

On 19 October, 2001, the application was filed.

On 7 February, 2002, Initial Patent Examination Division mailed a Notice to File Corrected Application Papers stating, *inter alia*, that the application had been accorded a filing date of 19 October, 2001, but that Figure 4d described in the specification appeared to have been omitted from the application.

In response, on 29 March, 2002, one (1) sheet of drawings containing Figure 4d was supplied. Additionally the present petition and a petition fee were filed on 29 March, 2002. Petitioners argue that one (1) sheet of drawings containing Figure 4d was among the application papers filed on 19 October, 2001, but was subsequently misplaced in the U.S. Patent and Trademark Office (Office). In support, a copy of petitioners' postcard receipt was supplied with the present petition. The postcard receipt shows an Office date stamp of 19 October, 2001 and reflects the above-identified application number, and identifies the application by title, the full names of the joint inventors, and attorney docket number, and itemizes the filing of, *inter alia*, 33 sheets of drawings. Petitioners request that the application, including one (1) sheet of drawings containing Figure 4d described in the specification, be accorded a filing date of 19 October, 2001.

A review of the record reveals that 32 sheets of drawings, containing Figures 1a-g, 2a-b, 3a-b, 4a-c, 4e-I, 5a-e, 6a-b, 7,

8a-e, and 9-11 are located among the application papers received on 19 October, 2001. However, the evidence is convincing that the application papers deposited on 19 October, 2001, included one (1) sheet of drawings containing Figure 4d which was subsequently misplaced in the Office. Therefore, the application, including one (1) sheet of drawings containing Figure 4d, is entitled to a filing date of 19 October, 2001.

The "Notice" mailed on 7 February, 2002, is vacated.

In view of the above, the petition is granted. The petition fee will be refunded to counsel's deposit account, No. 19-2386.

The application will be processed and examined using 32 sheets of drawings present on filing on 19 October, 2001, and the one (1) sheet of drawings containing Figure 4d supplied on 29 March, 2002.

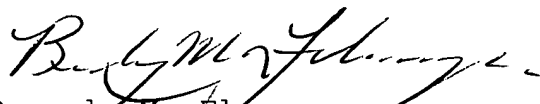
Receipt of the substitute drawings filed on 29 March, 2002, is acknowledged.

The application is being returned to Initial Patent Examination Division for further processing with a filing date of 19 October, 2001, using the 32 sheets of drawings containing Figures 1a-g, 2a-b, 3a-b, 4a-c, 4e-I, 5a-e, 6a-b, 7, 8a-e, and 9-11 filed with the application papers received on 19 October, 2001, and the one (1) sheet of drawings containing Figure 4d supplied on 29 March, 2002, and for an indication in Office records that 33 sheets of drawings were present on filing.

Telephone inquiries should be directed to Petitions Attorney Douglas I. Wood at 703 308-6918.



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